



**APPLICANT:** Jenna Mason & Jacquar Devin Cowan

**PHONE#:** 404-398-5433/470-246-9445

**EMAIL:** 4jennamason@gmail.com/ultimatesports101@live.com

**REPRESENTATIVE:** Jenna Mason Jacquar Devin Cowan

**PHONE#:** Same as above **EMAIL:** Same as above

**TITLEHOLDER:** John R. Mangham and Margie G. Mangham

**PROPERTY LOCATION:** On the east side of Mars Hill Road, and on the southerly side of Giles Road (4995 Giles Road)

**ACCESS TO PROPERTY:** Giles Road and Mars Hill Road

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family house

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-30/Single-family houses  
**SOUTH:** R-30/Spreading Oaks Farms Subdivision  
**EAST:** R-30/Spreading Oaks Farms Subdivision  
**WEST:** R-30/Single-family house; Durham Middle School

*Adjacent Future Land Use:*

Northeast: Very Low Density Residential (VLDR)  
Southeast: Very Low Density Residential (VLDR)  
Southwest: Very Low Density Residential (VLDR)  
Northwest: Public Institutional (PI) and Rural Residential

**OPPOSITION:** NO. OPPOSED **PETITION NO:**        **SPOKESMAN**       

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**BOARD OF COMMISSIONERS DECISION**

**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**STIPULATIONS:**

**PETITION NO:** LUP-23

**HEARING DATE (PC):** 10-03-17

**HEARING DATE (BOC):** 10-17-17

**PRESENT ZONING:** R-30

**PROPOSED ZONING:** Land Use Permit

**PROPOSED USE:** Art Studio/Classes and Ultimate Sports Fitness Academy

**SIZE OF TRACT:** 3.083 acres

**DISTRICT:** 20

**LAND LOT(S):** 148

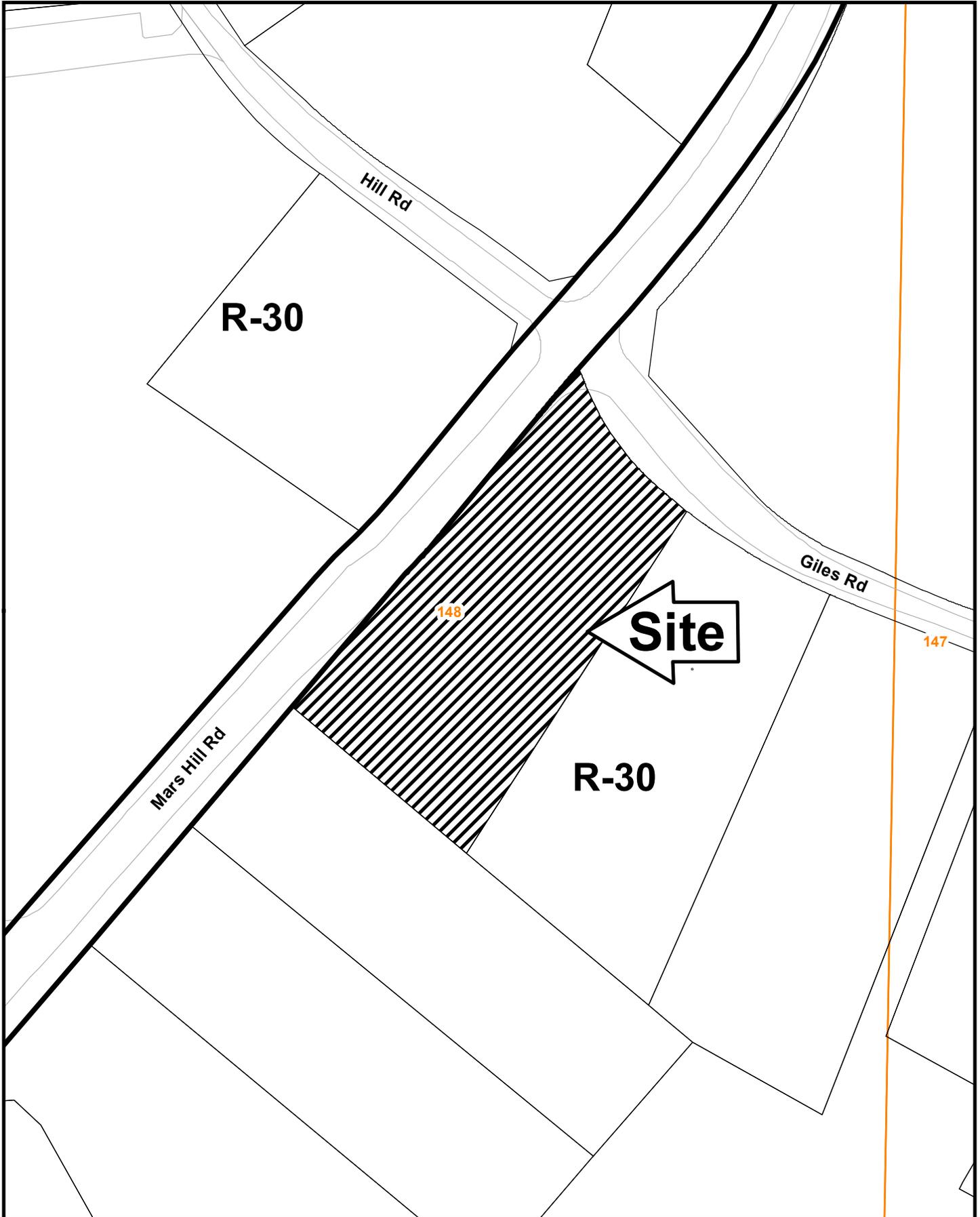
**PARCEL(S):** 18

**TAXES: PAID** X **DUE**       

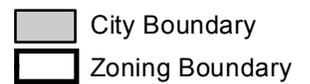
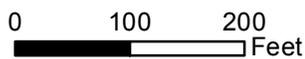
**COMMISSION DISTRICT:** 1



# LUP-23 2017-GIS



This map is provided for display and planning purposes only. It is not meant to be a legal description.



**APPLICANT:** Jenna Mason and Jacquar Devin Cowan

**PETITION NO.:** LUP-23

**PRESENT ZONING:** R-30

**PETITION FOR:** LUP

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**ZONING COMMENTS:** Staff Member Responsible: Jason A. Campbell

The applicants are requesting a Temporary Land Use Permit (LUP) for the purpose of operating two businesses from the property, an artist’s studio and a fitness academy. The businesses will be conducted from a proposed 2,790 square-foot accessory building to be constructed on the site if this LUP is approved. The proposed building will be metal siding, two stories and will be 100 feet from property lines. A paved parking lot is also planned to be alongside the building. Each proposed business will have two employees. The businesses will operate 5-7 days per week from 8 a.m. to 9 p.m., but will not be open continuously all of these hours. There could be up to 15 customers per day or 75 per week coming to the property. The applicant also would like to have a sign on/in front of the building and at the existing driveway. The applicant is purchasing this property based upon the approval of this request.

**Historic Preservation:** No comment.

**Cemetery Preservation:** No comment.

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**WATER & SEWER COMMENTS:**

No comments. Residential water account with septic system. Sanitary sewer +/- 750’ SW in Mars Hill Road ROW if necessary. Health Department approval required for continued use of existing septic system.

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**TRAFFIC COMMENTS:**

Recommend the driveway aprons on Mars Hill Road and Giles Road be upgraded to the commercial standard.

Recommend both driveways be increased to a minimum width of 20’ to accommodate two-way traffic.

Recommend entrance on Giles Road and Mars Hill Road be restricted to right-in/right-out.

Recommend signs be placed off the right-of-way.

Recommend signs be installed where it will not impede the line of sight for the driveways or roadways.

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**SITE PLAN REVIEW SECTION COMMENTS:**

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.).

**APPLICANT:** Jenna Mason & Jacquar Devin

**PETITION NO.:** LUP-23

**PRESENT ZONING:** R-30

**PETITION FOR:** LUP

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**FIRE COMMENTS:**

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C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

**APPLICANT: Jenna Mason & Jacquar Devin Cowan**

**PETITION NO.: LUP-23**

**PRESENT ZONING: R-30**

**PETITION FOR: LUP**

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**STORMWATER MANAGEMENT COMMENTS**

Site grading plan approval by Stormwater Management required prior to permitting.

## STAFF RECOMMENDATIONS

### LUP-23      JENNA MASON AND JACQUAR DEVIN COWAN

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Safety, health, welfare and moral concerns involving the surrounding neighborhood.*  
**This request may affect the safety, health or welfare of the surrounding properties due to the use of two customer-based businesses being added to this mainly residential area.**
- (2) *Parking and traffic considerations.*  
**The applicant proposes a parking lot along with a new 2,790 square-foot accessory building to house the two businesses.**
- (3) *Number of nonrelated employees.*  
**The two businesses will have two employees each.**
- (4) *Number of commercial and business deliveries.*  
**The applicant has indicated there will be no commercial deliveries for the proposed businesses.**
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*  
**Staff feels the proposed 2,790 square-foot building and adding two businesses to this residential property will not be compatible with this area.**
- (6) *Compatibility of the business use to the neighborhood.*  
**This request would not be compatible with adjacent and adjoining residential uses. Nearby properties include two schools, single-family houses on large lots and low density residential subdivisions.**
- (7) *Hours of operation.*  
**The hours of operation will be five to seven days per week from 8 a.m. until 9 p.m., although the applicant has indicated the businesses will not be open continuously during those hours.**
- (8) *Existing business uses in the vicinity.*  
**There are no business uses in the immediate vicinity. The closest business uses are further north on Mars Hill Road at its intersection with Cobb Parkway.**
- (9) *Effect on property values of surrounding property.*  
**This request could have an effect on property values by introducing a use that is not compatible with the adjoining residential uses.**
- (10) *Circumstances surrounding neighborhood complaints.*  
**This request is not the result of a complaint from the Code Enforcement Division.**

**LUP-23      JENNA MASON AND JACQUAR DEVIN COWAN (Continued)**

*(11) Intensity of the proposed business use.*

**Staff believes the proposed addition of a 2,790 square-foot accessory structure along with a parking lot and two businesses will be too intense for this area.**

*(12) Location of the use within the neighborhood.*

**The subject property is located in the Spreading Oaks Farms subdivision and is in the Very Low Density Residential (VLDR) land use category, surrounded by other single-family residential uses and two schools.**

Based on the above analysis, Staff recommends DENIAL.

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**



Application #: LUP-23  
PC Hearing Date: 10-3-17  
BOC Hearing Date: 10-17-17

### TEMPORARY LAND USE PERMIT WORKSHEET (FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Art studio & <sup>youth</sup> sports/Fitness training
2. Number of employees? 2 / 2
3. Days of operation? 5-7 days
4. Hours of operation? 8am - 9pm (maximum) \* will not be open continuously all these hours
5. Number of clients, customers, or sales persons coming to the house per day? ? / 15 ; Per week? ? / 75
6. Where do clients, customers and/or employees park?  
Driveway: \_\_\_\_\_ ; Street: \_\_\_\_\_ ; Other (Explain): paved parking (proposed improvements, see site plan)
7. Signs? No: \_\_\_\_\_ ; Yes:  . (If yes, then how many, size, and location): on building/in front of building and at driveway (existing) - ~~proposed~~
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): 0

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9. Deliveries? No  ; Yes \_\_\_\_\_ (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)

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10. Does the applicant live in the house? Yes  ; No \_\_\_\_\_ \*Will if approved - purchasing property.
11. Any outdoor storage? No  ; Yes \_\_\_\_\_ (If yes, please state what is kept outside): \_\_\_\_\_
12. Length of time requested (24 months maximum): 24 mo
13. Is this application a result of a Code Enforcement action? No  ; Yes \_\_\_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed): \_\_\_\_\_

Applicant signature: Jenna Mason Date: 8/3/17

Applicant name (printed): Jenna Mason

Statement of Proposed Site Improvements  
4995 Giles Rd NW, Acworth, GA 30101

See proposed site plan for location of the following improvements:

- Tree removal & grading will occur as needed on the property to provide a level space for the new building
- A new building will be erected on site: metal siding, 2 stories (designed within the cobb county architectural guidelines) and of a size that will fit within the code requirements (i.e. 100 ft from the property lines)
- A paved parking lot will be added alongside the building





**COBB & DOUGLAS  
PUBLIC HEALTH**  
*Healthier lives. Healthier community.*



LUP-23 (2017)  
Health  
Department  
Letter

August 3, 2017

Jenna Mason  
Current Resident  
3516 Sutter Pond Run  
Kennesaw, GA 30152

RE: 4995 Giles Rd. Acworth, GA 30101

Dear Owner(s) and/or Responsible Party(s):

This letter is to notify you that contingent upon meeting all requirements of a septic system permit and installation through the On-site System Rules and Regulations from the state of Georgia, a building may be approved on this property. The following conditions must be met for approval:

- Level 3 soil study
- To-scale site plan showing primary and reserve septic
- Letter from Cobb Water stating sewer non-availability to the property.
- Septic system permit from Environmental Health office in Cobb Board of Health

If you have any questions, please feel free to call me at 770-435-7815, ext. 5102.

Sincerely,

Jessica Awotona  
Environmental Health Specialist 3

/jca



To obtain a repair permit from our office at 1738 County Services Parkway Marietta, Georgia: you must obtain the following:

1. A letter of sewer non-availability from the Cobb County Water & Sewer Department or other applicable municipality.
2. A record of your water usage for the last 12 months.
3. A sketch of your property showing where and how repairs are to be made (this can be done by your septic contractor).
4. A level three (3) soil study done by a state certified soil classifier.
5. The name of the septic company (who must be state certified to do septic work) who is going to be repairing your septic system. The company can be changed at anytime as long as they are State Certified to be septic work.

This permit must be obtained before you have the system repaired & you must use a contractor that is certified by the State of Georgia to work on septic systems.

**NOTE:** Pits are not legal for any kind of sewage or washing machine water.

**NOTE:** YOU CANNOT REPAIR A SEPTIC TANK SYSTEM YOURSELF UNLESS YOU ARE CERTIFIED TO DO SO BY COBB COUNTY BOARD OF HEALTH AND STATE OF GEORGIA.